

Case # 15-2024

Date Application Filed: 29 April 2024

DECISION OF THE ZONING BOARD OF APPEALS
ON THE REQUEST FOR A SPECIAL PERMIT

Owner: Martha's Vineyard Colonial Inn LLC

Applicant: Michael O'Brien, chef & owner Chesca's Restaurant

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At a meeting held remotely via Zoom on Wednesday, 22 May 2024, the Edgartown Zoning Board of Appeals voted unanimously (5-0) to grant a special permit under section 10.2 E of the Edgartown zoning bylaw to allow the use of the rear courtyard for outdoor seating and the service of food and alcohol. The property is located at 38 North Water Street (Assr. Pcl. 20D-216) in the B-I Business District.

The application was accompanied by a site plan and a table configuration sketch both dated 1 May 2024. Photographs of the existing courtyard were also provided. The Board reviewed the application, the plans, and all other materials and information submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing [See Record of Proceedings].

FACTS AND FINDINGS:

1. The property is located in the B-I Business District. The inn in which the restaurant is located has been operating in downtown Edgartown since 1911.
2. The applicant is asking to locate 14 to 16 seats in the enclosed rear courtyard to be used for outdoor dining.
3. There will be no net increase in the total number of seats, which is limited to 107 seats.
4. The courtyard was used successfully during Covid as an outdoor dining venue, with no complaints on record.
5. There were no objections to the project from any town boards or departments.
6. Several abutters had concerns about noise pollution, garbage and food debris attracting vermin, and an increase in commercial activity and traffic. [See letters and the Record of Proceedings].
7. The general manager of the Vineyard Square Hotel took issue with several of these concerns, noting that a good deal of money is spent by the hotel to control pests. He also noted that guests of the hotel are currently allowed unrestricted use of the courtyard.
8. The courtyard will be used primarily between the hours of 5:30 and 7:30 p.m. The applicant noted that it will not be used a cocktail lounge or late-night venue.
9. The courtyard is surrounded by hotel rooms. It would not be in the hotel's best interests to allow a rowdy crowd to interfere with hotel guests' ability to sleep.

10. The general manager volunteered to give his cell phone number to concerned residents so that they could report excessive noise or other problems to him directly.

11. After some deliberation, the board voted unanimously (5-0) to grant the special permit, noting that the restaurant provided an important service for visitors and residents alike. The board did not believe that the relocation of a limited number of seats would contribute to increased commercial activity or have a significant negative effect on the neighborhood.

CONDITION:

Permit will be reviewed by the Board in October to ensure that the operation is in compliance with the parameters set forth in the presentation.

This decision of the Board of Appeals and a record of proceedings are on file in the Zoning Board office and in the office of the Town Clerk, Town Hall under Case No: 15-2024.

Zoning Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 3 June 2024. Appeals, if any, should be made pursuant to Section 17 of Chapter 40A of the Massachusetts General Laws and should be filed within 20 days of the filing of this decision in the office of the Town Clerk.

_____2024

I hereby certify that no appeal has been filed in the twenty-day period following the date of filing this decision.

Attest: _____